

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS,
SAN ANTONIO DIVISION

RICHARD MARTINEZ
Plaintiff,

V.

UNION STANDARD INSURANCE
GROUP
Defendant

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Case No. 5:19-cv-30

DEFENDANT’S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Union Insurance Company (“UIC”), misnamed in Plaintiff’s Original Petition as “Union Standard Insurance Group,” respectfully notifies this Court of removal of the above-titled action to the United States District Court for the Western District of Texas, San Antonio Division and for the Notice of Removal states:

I.
PROCEDURAL HISTORY

1. This action, entitled *Richard Martinez v. Union Standard Insurance Group*, pending in the 63rd Judicial District Court of Val Verde County, Texas, Cause No. 2018CI20215 was commenced against Union Insurance Company, misnamed in Plaintiff’s Original Petition as Union Standard Insurance Group, via the filing of Plaintiff’s Original Petition and Request for Disclosure on or about October 19, 2018.

2. Union Insurance Company, misnamed in Plaintiff’s Original Petition as Union Standard Insurance Group, was served with process by service upon internal counsel for UIC by agreement on December 20, 2018. Accordingly, this notice of removal is timely filed pursuant to 28 U.S.C. § 1446(b).

3. Plaintiff alleges causes of action against Defendant UIC, misnamed as Union Standard Insurance Group, for a declaratory judgment for breach of contract, as well as violations of the Texas Insurance Code and breach of the duty of good faith and fair dealing. *See* Plaintiff's Original Petition at IV.-VII. Plaintiff claims actual damages, including past and future medical expenses, physical impairment, physical pain, and mental anguish; attorneys' fees, extra-contractual damages for Defendant's claimed violations of the Texas Insurance Code and breach of the duty of good faith and fair dealing. *See id.* at 7.

II.

VENUE

4. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the state court where the suit has been pending is located in this district and division.

III.

CITIZENSHIP OF THE PARTIES AND JURISDICTION

5. Plaintiff is an individual who resides in Texas and is a citizen of the State of Texas.

6. Defendant UIC, misnamed in Plaintiff's original pleading as Union Standard Insurance Group, is an insurance company organized under the laws of the State of Iowa with its principal place of business in the State of Iowa. UIC is now, and was at the time this action was commenced, a citizen of the State of Iowa.

IV.

AMOUNT IN CONTROVERSY

7. Plaintiff claims actual damages that "exceeds the total of the policy available for uninsured/underinsured motorist coverage..." *See* Original Petition at 3. The limit of insurance available under the policy for uninsured/underinsured motorist coverage is \$1,000,000.00 per "accident" subject to the policy's definitions, conditions, and exclusions. Thus, the amount in controversy exceeds the requirement of 28 U.S.C. § 1332(a) because it is apparent the amount in

controversy is greater than \$75,000. *See Allen v. R&H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1995).

V.
NOTICE TO STATE COURT

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this notice of removal will promptly be given to all parties and to the clerk of the 73rd District Court of Bexar County, Texas.

VI.
JURY DEMAND

9. Pursuant to Federal Rule of Civil Procedure 38, Defendant UIC demands a trial by jury.

VIII.
CONCLUSION

10. Defendant UIC respectfully gives notice this state court action has been removed and placed on this Court's docket for further proceedings. UIC further requests any additional relief to which it may be justly entitled.

Respectfully submitted,

/s/ Lisa M. Wilson

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**ATTORNEYS FOR DEFENDANT
UNION INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to counsel of record in accordance with the Federal Rules of Civil Procedure, on this the 11th day of January, 2019.

/s/ Lisa M. Wilson
LISA M. WILSON